

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 06-47624

CONSTITUTIONAL MOLD & ENGINEERING,
INC.,

Chapter 11

Judge Thomas J. Tucker

Debtor.

ORDER DENYING DEBTOR'S MOTION FOR SUBSTANTIVE CONSOLIDATION

This case is before the Court on Debtor's "Motion for Substantive Consolidation Under 11 USC [§] 302," filed on August 14, 2006 (Docket # 42), seeking substantive consolidation of Debtor with CME Investment Co. ("CME"), a related entity and a Debtor-in-Possession in Case No. 06-46648. On September 26, 2006, Debtor filed a Certificate of No Response indicating that no responses or objections to its motion had been filed. The Court must deny this motion, for the following reasons.

First, 11 U.S.C. § 302 applies only to "joint cases," and is not applicable to the two pending Chapter 11 cases at issue. A "joint case" is one filed by an individual and his/her spouse. 11 U.S.C. § 302(a). And Debtor's attorney cites no other authority whatsoever to support substantive consolidation.

Second, the motion fails to allege sufficient grounds for substantive consolidation. *See generally In re Owens Corning*, 419 F.3d 195, 211-12 (3d Cir. 2005)(proponent of substantive consolidation must prove either that "(i) prepetition [the entities to be consolidated] disregarded separateness so significantly their creditors relied on the breakdown of entity borders and treated

them as one legal entity, or (ii) postpetition their assets and liabilities are so scrambled that separating them is prohibitive and hurts all creditors.”)

Accordingly,

IT IS ORDERED that Debtor’s “Motion for Substantive Consolidation Under 11 USC [§] 302” (Docket # 42) is DENIED.

Date: October 3, 2006

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge